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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Magdy Megeid

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Joseph J. Laks

Thomson Licensing LLC

2 Independence Way, Patent Operations

PO Box 5312

PRINCETON, NJ 08543

EXAMINER

ANDRAMUNO, FRANKLIN S

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,933	Applicant(s) MEGEID ET AL.	
	Examiner Franklin S. Andramuno	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/31/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/31/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/31/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being unpatentable by Ottensen et al (Patent Number 5,778,135). Hereinafter referred as Ottensen.

Regarding claim 1, Ottensen discloses a method for suppressing undesired program segments from a broadcast program (**Divide material into segments (208) in figure 2**), the method comprising the steps of: receiving program information from a service provider (**Receive Digital Program Material (404) in figure 4**); determining whether undesired program segments are present in the received program information (**Check the tag of each segment (412) in figure 4**); and modifying the displayed program to eliminate the undesired program segments (**Edit out segment with a tag indicating objectable material (414) in figure 4**).

Regarding claim 2, Ottensen discloses the method according to claim 1, further comprising the step of determining whether a user program control mode has been activated (**page 7 lines 1-4**), wherein said steps of determining whether undesired program segments are present and modifying the displayed program are performed

when the user program control mode has been activated (**Editing Device (602) in figure 6**).

Regarding claim 3, Ottensen discloses the method according to claim 1, wherein said step of determining further comprises comparing the received program information with user defined preferences (**Figure 9 shows the metadata media center that compares the edited part with the unedited recording**).

3. Claims 4-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ottensen et al (Patent Number 5,778,135) in view of Reese (US Patent 4,602,297). Hereinafter referred as Ottensen and Reese.

Regarding claim 4, Ottensen discloses the method according to claim 1, wherein said step of modifying the displayed program comprises the steps of: identifying how many undesired program segments are present (**Frame editor (308) in figure 3**); calculating a time compensation factor for the undesired program segments (**Edit out segment with a tag indicating objectionable material (414) in figure 4**); and displaying the program to the user uninterrupted with all of the undesired program segments removed (**Skip Segment (518) in figure 5**). However, Markman fails to show the delaying the start of the program. Reese discloses on (**delay unit (14) in figure 1**).

Therefore, it would have been obvious at the time of the invention to include the use of delaying a broadcasting program until a desired time to be displayed. This is a useful combination because it allows the access for later program retrieval.

Regarding claim 5, Ottensen discloses the method according to claim 1, wherein said step of modifying the displayed program comprises the steps of: identifying how many undesired program segments are present **(Frame editor (308) in figure 3)**; calculating time compensation factors for each of the undesired program segments **(Edit out segment with a tag indicating objectionable material (414) in figure 4)**; extending selective desired program segments by the calculated time compensation factors **(Locate Tag of Segment (504) in figure 5)**; and displaying the program to the user uninterrupted with all of the undesired program segments removed **(Display Segment (520) in figure 5)**.

Regarding claim 6, Ottensen discloses the method according to claim 4, further comprising the steps of: displaying the calculated time compensation factor to the user **(Edit out segment with a tag indicating objectionable material (414) in figure 4)**; requesting user input to confirm delayed start of the program for the time specified; wherein said steps of delaying and displaying are performed with the user confirms the delayed start of the program **(delay unit (14) in figure 1 Reese)**.

Regarding claims 7 and 12, Ottensen discloses a method for suppressing undesired program segments from a broadcast program **(Check the tag of each Segment (412) in figure 4)**, the method comprising the steps of: determining if a

program control mode has been activated (**Edit out Segment with a tag indicating objectionable material (414) in figure 4**); loading program information relating to the program content from the service provider when the program control mode has been activated (**Check tag to determine the segment's rating in figure 5**); identifying whether undesired program segments are present in the received program information (**Objectionable material (516) in figure 5**); calculating a time compensation factor for the undesired program segments; delaying the start of the program for a time equal to the calculated time (**delay unit (14) in figure 1 Reese**); and displaying the program to the user uninterrupted with all of the undesired program segments removed (**Display Segment (520) in figure 5**)

Regarding claims 8 and 13, Ottensen discloses the method according to claim 7, further comprising the step of returning to a normal operation mode when no undesired program segments are present in the received program information (**Skip Segment (518) in figure 5**).

Regarding claim 9, Ottensen discloses the method according to claim 7, wherein said step of identifying includes the step of comparing the loaded program information with user defined preferences (**Compare tag with rating selected by viewer (512) in figure 5**).

Regarding claim 10, Ottensen discloses the method according to claim 7, further comprising the steps of: displaying the calculated waiting time to the user (**column 5 lines 58-59**); requesting user input to confirm delayed start of the program for the time

specified, wherein said steps of delaying and displaying are performed when the user confirms the delayed start of the program **(delay unit (14) in figure 1 Reese)**.

Regarding claim 11, Ottensen discloses the method according to claim 7, wherein said step of calculating a time compensation factor comprises: calculating the time duration for each undesired program segment **(Edit out Segment with a tag indicating objectionable material (414) in figure 4)**; and adding each calculated time duration until all undesired program segments have been accounted **(column 5 lines 58-59)**.

Regarding claim 14, Ottensen discloses the method according to claim 12, wherein said step of determining further comprises the steps of: comparing a time duration of an immediately preceding desired program segment with the fractional computation of the combined time durations of the undesired program segment and the immediately preceding desired program segment **(Tag segments to indicate rating (210) in figure 2)**; calculating a time extension factor when the time duration of the immediately preceding desired program is greater than or equal to the fractional computation **(Locate tag of segment (504) in figure 5)**; and calculating a waiting time factor when the time duration of the immediately preceding desired program is less than the fractional computation **(column 5 lines 58-59)**.

Regarding claim 15, Ottensen discloses the method according to claim 14, wherein said step of displaying further comprises the steps of: extending the program segments immediately preceding the undesired program segments by the calculated

time extension factor; and delaying the start of the program for the calculated waiting time **(delay unit (14) in figure 1 Reese)**.

Regarding claim 16, Ottensen discloses the method according to claim 15, further comprising the step of displaying the waiting time to the user **(control circuit (18) in figure 1)**; and requesting user input to confirm delayed start of the program for the waiting time specified **(Delay Unit Video Tape Recorder "A" in figure 5 Reese)**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Franklin S. Andramuno whose telephone number is 571-270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2623